

United States District Court
District of Massachusetts
Worcester Division

Chamond Henderson
petitioner
v.

United States of America
respondant

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U.S. DISTRICT COURT
WORCESTER DIVISION

No. 04-40119

**MOTION FOR LEAVE TO AMEND 28 U.S.C. § 2255 MOTION
TO VACATE, SET ASIDE OR CORRECT SENTENCE**

NOW INTO COURT comes Chamond Henderson, the petitioner, appearing through pro se representation and respectfully moves this Honorable Court to file an Amendment to his 28 U.S.C. § 2255 Motion To vacate, set Aside or Correct Sentence, pursuant to Federal Rules of Civil Procedure, Rule 15(a). Leave to amend shall be freely given when justice so requires.

Petitioner request comes in light of the decision in Booker/Fanfan 2005 WL 50108 (U.S. 2005) which reaffirms the holding in Apprendi v. New Jersey 147 L Ed 2d 435 (1999) now raise potential meritorious arguments that are now available to petitioner for the first time. See Sanders v. United States 10 L Ed 2d 148 (1963), (leave to amend shall be freely given when justice so requires.)

WHEREFORE, the petitioner prays this Honorable Court will grant petitioner the opportunity to amend petition in accordance to aformentioned.

Dated 2/8/05

Respectfully Submitted,

Chamond Henderson

Chamond Henderson

CERTIFICATE OF SERVICE

I, Chamond Henderson, certify that, on Feb. 8th, 2005, I caused one copy of the foregoing Motion to be served by mail on the AUSA John A. Wortman, Jr.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this
DAY FEB. 8th, 2005

Respectfully Submitted

Chamond Henderson

02/08/05